

UNITED STATES DISTRICT COURT
for the
District of South Carolina

Charles Antoine Burgess _____)
Petitioner _____) Civil Action No. 2:10-cv-2333-RMG
v. _____)
Warden Padula, South Carolina Department of _____)
Corrections _____)
Respondent _____)

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

the petitioner (*name*) _____ recover from the respondent (*name*) _____ the amount of _____ dollars (\$____), which includes prejudgment interest at the rate of ____ %, plus postjudgment interest at the rate of ____ %, along with costs.

the petitioner recover nothing, the action be dismissed on the merits, and the respondent (*name*) _____ recover costs from the petitioner (*name*) _____.

other: The Report and Recommendation of Magistrate Judge Robert S. Carr is adopted and incorporated. The petition is dismissed without prejudice and without issuance of service of process. The Petitioner shall take nothing on his petition filed pursuant to Title 42 U.S.C. § 2254.

This action was (*check one*):

tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict.

tried by the Honorable _____ presiding, without a jury and the above decision was reached.

decided by the Honorable Richard M. Gergel, United States District Judge.

Date: December 20, 2010

CLERK OF COURT Larry W. Propes

s/H. Hillman

Signature of Clerk or Deputy Clerk